

ARTICLE 27.00

SITE PLAN REVIEW

Section 27.01 -- INTENT

The site plan review procedures and requirements in this Section are intended to achieve the following:

1. Provide a consistent and uniform method of review of certain proposed development plans;
2. Ensure full compliance with the regulations and standards in this Ordinance and other applicable ordinances and laws, including the Building Code enforced by the City;
3. Ascertain that significant redevelopment complies with current standards;
4. Create an accurate record of approved development;
5. Achieve efficient use of the land;
6. Protect natural resources; and
7. Mitigate adverse impact on adjoining or nearby properties.

Section 27.02 -- SITE PLAN REQUIRED

A. Site Plan Required

Except as provided in the following subsection B, The construction of any new structures, development of any new use, and all other building or development activities shall require site plan approval pursuant to this Section. Site plan review shall be required for the following activities:

- a. Erection, relocation, conversion or structural alteration to a building or structure to create an additional seventy five hundred (7,500) square feet of gross floor space,
 - b. Other than a single family dwelling or two family dwelling.
2. Development of all non-single family residential uses permitted in single family districts, regardless of the building square footage.
3. Expansion or paving of off-street parking involving twenty-six (26) or more spaces. All proposed parking lots and parking lot expansions are subject to the parking lot review and approval process in Section 5.01.D(1).
4. Mobile home parks shall be reviewed in accord with the standards set forth in this Article unless contrary to provisions of the Mobile Home Commission Act 1987, PA 96, as amended, and the Mobile Home Commission Rules.
5. All site condominium projects where four (4) or more detached dwelling units are proposed.
6. Erection, relocation, conversion or structural alteration to a building or structure that will result in a change in access provisions to adjoining streets.

7. Erection, or structural addition of at least one thousand square feet (1,000) of gross floor area to a commercial, industrial or office building or structure when located directly adjacent to RA-1, RA-2, RA-3, or RA-4 Residential Zoning districts.

B. Site Plan Not Required

Notwithstanding the preceding subsection A, site plan approval is not required for the following activities:

1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
2. Construction of any structure, building or addition to an existing building or structure with less than seventy five hundred (7,500) square feet of gross floor area, so long as the addition does not increase the existing building's gross floor area above 7,500 square feet, in aggregate.

C. Administrative Site Plan Review

All activities, which meet the criteria listed in subsection B(2) shall still-require an administrative site plan review by city staff to determine compliance with this ordinance and other city codes and ordinances. Submission requirements for administrative site plans shall be the same as other site plans, except that this review shall only be conducted by city staff and approved by the Planning and Community Development Department. Applicable review fees may be required per Chapter 21 of the Midland Code of Ordinances.

Section 27.03 -- SITE PLAN REVIEW APPLICATIONS AND PROCEDURES

A. Review and Approval Authority

All site plans shall be reviewed by the Planning Commission and approved by the City Council following the procedures set forth in the following Section 27.04. The City Council shall have the authority to approve, approve with conditions, or deny all site plans.

B. Submission of Site Plan for Formal Review and Approval

In order to initiate formal review by the Planning Commission, the applicant shall submit the following materials:

1. One (1) completed and signed copy of the Application for Site Plan Review,
2. Six (6) legible copies of the site plan on sheets at least 24 inches by 36 inches, two (2) copies of the site plan on sheets at least 11 inches by 17 inches, and one (1) digital copy of the site plan that includes a colored rendering of the site plan and elevations. when available.
3. Evidence shall be submitted to show that the plans have been submitted to governmental agencies that have jurisdiction over any part of the development, including, but not necessarily limited to: Midland County Road Commission, Midland County Drain Commissioner, and Midland County Health Department, Michigan Department of Transportation, Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality.
4. The required review fee as established by Chapter 21 of the City of Midland Code of Ordinances.

These materials shall be submitted to the City at least twenty-eight (28) days prior to the Planning Commission meeting at which the review is requested.

C. Determination of Compliance

The Planning and Community Development Department and other City Departments shall review the site plan and may solicit review and comments by other professionals and agencies. Upon review of the site plan proposal, the Planning and Community Development Staff may require the applicant to complete revisions required to comply with this ordinance or other regulations and submit the plans for further review prior to formal action being taken.

27.04 -- REVIEW AND FINAL ACTION**A. Public Hearing**

1. Upon receipt of a complete application for a site plan review in accordance with Section 27.04, a public hearing before the Planning Commission will be set. Notice of said public hearing shall be published in the local newspaper at least fifteen (15) days prior to the date of the hearing, and all property owners within three hundred (300) feet of the area shall be notified by mail.
2. Site plans involving uses that are subject to Conditional Land Use Approval require a public hearing, pursuant to the requirements in Section 28.02.

B. Planning Commission Review and Approval by City Council

The Planning Commission shall review the site plan proposal together with any public hearing findings, reports and recommendations from the Planning and Community Development Department and any from other reviewing agencies. The Planning Commission shall then recommend that the City Council approve, approve with conditions, or deny, the proposal as follows:

1. Approval

Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the City Council shall approve the site plan.—Site plan approval does not exempt the proposed development from any other applicable City Codes.

2. Approval Subject to Conditions

Upon determination that a site plan is in compliance except for minor modifications, the City Council may impose reasonable conditions upon the approval of the site plan. The conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan.

If a plan is recommended for approval by the Planning Commission subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant may re-submit the site plan to the City Council for approval after conditions have been met.

Conditional site plan approval does not exempt the proposed development from any other applicable City Codes.

3. Denial

Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the City Council shall deny the site plan and set forth its reasons in writing.

C. Recording of Site Plan Review Action

Each action taken on a site plan review and the grounds for action shall be recorded in the minutes of the Planning Commission and City Council.

After final action has been taken on a site plan and all steps have been completed, copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One (1) marked copy shall be returned to the applicant and at least one (1) copy shall be kept on file in the Planning and Community Development Department.

D. Procedure After Site Plan Approval

1. Application for Building Permit

Following final approval of the site plan by the City Council or the Planning and Community Development staff, the applicant may apply for a building permit. The City may require engineering approval prior to issuance of the building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, State, or Federal permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the City. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction for roads prior to recording the Master Deed. No permit issued or work undertaken prior to recording the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed. The Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

2. Expiration of Site Plan Approval

If construction has not commenced within two (2) years of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required. The applicant may apply in writing to the City Council for an extension of the site plan approval. The City Council may grant an extension of up to twelve (12) months if:

- a. The applicant requests the extension prior to expiration of the previous approval, and
- b. The approved site plan adequately represents current conditions on and surrounding the site, and
- c. The site plan conforms to the current Zoning Ordinance standards.

3. Monuments Requirements for Condominium Projects

All condominium projects shall be marked with monuments as required by Condominium Rules promulgated to the Michigan Department of Commerce, Corporation and Securities Bureau, and as may also be required by the engineering standards enforced by the City of Midland.

4. Recorded and As-Built Condominium Documents

Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the City with the following:

- a. One (1) copy of the recorded Master Deed, and
- b. One (1) copy of any Condominium Bylaws and restrictive covenants.

Upon completion of the project, the condominium project developer or proprietor shall furnish the City with the following:

- c. Two (2) copies of an "as built survey", and
- d. One (1) copy of the site plan.

E. Modification to Approved Plan

Minor modifications to an approved site plan may be approved by the Planning and Community Development staff.

1. Minor Modification Defined

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, the danger from hazards, or the provision of any bonus item. Examples of minor modifications include:

- a. An addition to an existing commercial or industrial building that does not increase the floor space by more than twenty-five percent (25%) or seventy five hundred (7,500) square feet, whichever is less.
- b. Changes to building height that do not add an additional floor.
- c. Alterations or modifications involving less than twenty-six (26) parking spaces.
- d. Substitution of landscaping for equivalent species of landscaping.
- e. Off-site improvements that individually would otherwise be approved administratively by the city and that add to the safety, appearance or functionality of the approved site plan being amended.

The construction of a new building or structure with 7,500 square feet or more of gross floor area, adding twenty six (26) or more parking spaces, or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor. If the modifications are not deemed minor by the Planning and Community Development staff, then full review and approval by the Planning Commission and City Council shall be required.

2. Recording of Action

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file. The City Council shall be advised of all minor site plan modifications approved by the Planning and Community Development staff and such modifications shall be noted on the site plan.

Section 27.05 -- REQUIRED INFORMATION ON SITE PLANS

Where applicable, the following information shall be included on all site plans or supporting documentation:

A. Application

The application shall contain the following information at minimum:

1. Applicant's name, address, phone number, fax number, and e-mail address.
2. Name, address and signature of property owner, if different from applicant.
3. Common description of property and complete legal description including the Tax Identification number.
4. Dimensions of land and total acreage.
5. Existing zoning of applicant's parcel and surrounding land.
6. Existing use of the applicant's parcel and surrounding land.
7. Proposed use of land and name of proposed development, if applicable.
8. Proposed buildings to be constructed, including square feet of gross and usable floor area.
9. Number of permanent employees, if applicable.
10. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
11. Review comments and/or approvals from County, State, and Federal agencies. Copies of letters or approval forms should be submitted with the site plan application.

B. Descriptive and Identification Data

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres, unless another scale is approved by the Planning and Community Development staff. The following descriptive and identification information shall be included on all plans:

1. Applicant's name and address, and telephone number.
2. Title block indicating the name of the development.
3. Scale.
4. North point.
5. Dates of submission and revisions (month, day, year).
6. Location map with north point.
7. Legal and common description of property, including acreage.
8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.
9. A schedule for completing the project, including the phasing or timing of all proposed developments.
10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
11. Written description of proposed land use.
12. Proximity to driveways serving adjacent parcels.
13. Proximity to nearest cross street.
14. Notation of any variances which have been granted or will be sought.

Net acreage (minus rights-of-way and bodies of water) and total acreage, to the nearest 1/10 acre.

C. Site Data

1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within fifty (50) feet of the site.
2. Front, side, and rear setback dimensions.
3. Topography on the site and within fifty (50) feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
4. Proposed site features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Proposed vehicular circulation system, including location of driveway entrances, roads, and on-site driveways.
7. The location of all driveways on all adjacent and abutting properties within 300 ft. of the property lines.
8. Typical cross-section of proposed roads and driveways.
9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
10. Location of wetland boundaries, if state-regulated and name of person who staked the boundaries and his /her qualifications.
11. Location of existing and proposed interior sidewalks and sidewalks in the road right-of-way.
12. Exterior lighting locations and method of shielding lights from shining off the site.
13. Photometric plan showing all lighting on the site (including decorative lighting).
14. Trash receptacle locations and method of screening, if applicable.
15. Transformer pad location and method of screening, if applicable.
16. Parking spaces, typical dimensions of all spaces (including barrier-free spaces), indication of total number of spaces, drives, and method of surfacing.
17. Information needed to calculate required parking in accordance with Zoning Ordinance standards (e.g., building square footage, number of employees).
18. Information needed to determine compliance with all sign regulations, if applicable, as set forth in Article 8.00.
19. The location of lawns and landscaped areas.
20. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material and the location, sizes, and types of existing trees five (5) inches or greater in caliper, measured at four (4) feet above native grade, before and after proposed development.
21. Cross-section or slope of proposed berms.
22. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
23. Designation of fire lanes.
24. Loading/unloading area.
25. The location of any outdoor storage and the manner by which it will be screened.
26. The location of bike racks.

D. Building and Structure Details

1. Location, height, and outside dimensions of all proposed buildings and structures.
2. Indication of the number of stores and number of commercial or office units contained in the building, if applicable.
3. Total floor area.
4. Location, size, height, and lighting of all proposed signs.
5. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
6. Building facade elevations.
7. Sign elevations and locations.

E. Information Concerning Utilities, Drainage, and Related Issues

1. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, water mains, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and the location of gas, electric, and telephone lines.
2. General indication of site grading and drainage patterns.
3. Types of soils and location of floodplains and wetlands, if applicable.
4. Soil erosion and sedimentation control measures.

F. Information Concerning Residential Development

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.)
2. Density calculations (dwelling units per acre).
3. Lot coverage calculations.
4. Impervious surface calculations.
5. Floor plans of typical buildings with square feet of floor area.
6. Garage and carport locations and details, if proposed.
7. Sidewalks and trail locations and widths.
8. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the adjacent public roads.
9. Community building locations, dimensions, and facade elevations, if applicable.
10. Swimming pool fencing detail, including height and type of fence, if applicable.
11. Location and size of recreation open areas.
12. Indication of type of recreation facilities proposed for recreation area.
13. If common area or community buildings are proposed, then the site plan should indicate the responsibilities of the subdivision or condominium association, property owners, or other public entity, with regard to maintenance of the common areas or community property on a continuing basis.

G. Information Applicable to Manufactured or Mobile Home Parks

1. All information required by Section 16.03.A.1

H. Additional Information

1. Information Related to Condominium Development

The following information shall be provided with all site plans involving condominium development:

- a. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
- b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

2. Items Not Applicable

If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

- a. A list of all items considered not applicable. Planning and Community Development staff shall have the authority to determine items that may be waived from the site plan review.

b. The reason(s) why each listed item is not considered applicable.

3. **Other Data Which May Be Required**

Other data may be required if deemed necessary by the City staff or the Planning Commission to determine compliance with the provisions in this Ordinance. Such information may include traffic impact studies (in accordance with Section 3.10 I), environmental assessment and evaluation of the demand on public facilities and services.

Section 27.06 -- STANDARDS FOR SITE PLAN APPROVAL

A. Standards

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. **Adequacy of Information**

The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

2. **Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

3. **Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

4. **Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

a. **Site Condominiums**

In the case of site condominiums, the boundaries of each condominium unit may encompass an area that is at least equivalent to the minimum lot area requirements. Alternatively, these regulations may be applied by requiring that the site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed (equivalent to a building envelope) and there shall be a limited common element associated with each site condominium unit so that said condominium unit and associated limited common element shall be at least equivalent to the minimum lot area requirements.

In addition, site condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the City, as described in the Zoning Ordinance and other applicable local county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

b. **Detached Condominiums**

In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in Article 26.00.

In addition, detached condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the City, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance. Provisions shall be made for bike racks according to the standards contained in Planning and Urban Design Standards, APA, 2006 as amended.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

13. **Soil Erosion and Sedimentation**
The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.
14. **Exterior Lighting**
Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.
15. **Public Services**
Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.
16. **Screening**
Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.
17. **Health and Safety Concerns**
Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations.
18. **Sequence of Development**
All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
19. **Coordination with Adjacent Sites**
All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.
20. **Signs.**
All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance.

Section 27.07 -- FILING FEES

All applications shall be accompanied by a filing fee which shall be established by resolution of the City Council, found in Chapter 21 of the City of Midland Code of Ordinances.